

REMARKS

Entry of this Amendment and reconsideration of the Restriction Requirement is respectfully requested.

The Examiner has identified the following groups of invention, which are maintained as not being linked to form a single general inventive concept under PCT Rule 13.1.

Group I: Claims 1-16, drawn to an apparatus for removing liquid droplets from a gas stream.

Group II: Claims 17-31, drawn to an apparatus for removing liquid droplets from a gas stream;

Group III: Claims 32-53, drawn to a method for removing liquid droplets from a gas stream.

Applicant provisionally elects the claims of Group I with traverse.

At the outset, it is noted that independent claim 17 has been amended to depend from claim 1. Independent claim 1 has been amended to provide antecedent basis for the phrase “*flow path assembly*” that is recited in claim 17.

As a result of these amendments, only a single independent claim 1 now exists for the apparatus claims 1-31. Therefore, it is respectfully submitted that the claims 1-16 of Group I and 17-31 of Group II relate to a single general inventive concept and should be examined in this application.

Applicant also respectfully submits that unity of invention exists between the elected claims and claims 32-53 of Group III.

PCT Rule 13.1 states that:

“The International application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (“requirement of unity of invention”).”

Applicant respectfully submits that the elected claims and the claims of Group III all relate to a single inventive concept, that is, the common technical features of a flow conditioner and a drainage mechanism that is found in the elected claims and in independent claim 32 of Group III.

In addition, claim 1 of the elected claims recites a “*flow conditioner...for conditioning the gas stream to provide substantially turbulent and generally axially flow of the gas stream through the flowpath.*” Independent claim 32 of Group III recites “*conditioning the gas stream so that the gas stream exhibits substantially turbulent flow; and passing the gas stream generally axially through a flowpath under substantially turbulent flow conditions...*”.

Furthermore, elected claim 1 recites “*a drainage mechanism...for draining the collected droplets from the collector surface.*” Claim 32 of Group III recites “*draining the collector surface to remove the collected droplets from the collector surface.*”

Accordingly, it is respectfully submitted that the elected claims and the claims of Group III all relate to a single inventive concept. In view of the above, it is also respectfully submitted that the elected claims and the claims of Group III also fulfill PCT rule 13.2, which states in part:

“...the requirement of unity of invention...shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.”

Furthermore, PCT Rule 13.4 covering *dependent claims* states:

“Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.”
(emphasis added)

The Examiner has also maintained that the claims of Group III lack the common technical feature of “a distributor” found in independent claim 17 (Group II). However, amended claim 17 now depends from independent claim 1 (Group I), and the “distributor” is not recited in either independent claim 1 (Group I) or independent claim 32 (Group III).

The search and examination of the elected claims of Group I would appear to overlap and encompass the field of search for the claims of Group II and Group III. Thus, the examination of the claims in Group II and Group III should not impose a significant additional burden.

It is thus respectfully submitted that a simultaneous search for the elected claims and the claims of Group II and Group III can be made without a substantial increase of the search effort. It is believed that the guidelines of MPEP Section 803 as cited below should be followed:

“If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicant respectfully submits that even if the Restriction Requirement is maintained, either wholly or partially, that the current claims qualify for rejoinder in the event that the elected claims are subsequently found allowable. If this is not the case, then Applicant respectfully requests the Examiner to provide detailed information as to why the other claims would not qualify for rejoinder.

In the event that all or part of the Restriction Requirement is maintained, Applicant reserves the right to pursue rejoinder at a later date and requests the Examiner to provide information with regard to any steps needed to be taken in order to preserve Applicant's right to rejoinder.

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Respectfully submitted,

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